IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 31517 of 2006(B)

PETITIONER:

E.M.SALI, AGED 52 YEARS,
S/O.IBRAHIMKUNJU, MADEENA MANZIL,
CHUMMATHPARAMBU, VATTAYAL WARD, ALAPPUZHA.

BY ADV. SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN

RESPONDENTS:

1.ALAPPUZHA MUNICIPALITY,
REPRESENTED BY ITS SECRETARY, ALAPPUZHA
MUNICIPAL OFFICE, ALAPPUZHA.

2.P.A.VARGHESE, S/O.ABRAHAM,
PUTHUPARAMBIL HOUSE, VATTAYAL WARD,
ALAPPUZHA.

R1 BY ADV.MR.M.K.CHANDRAMOHAN DAS, S.C.
R2 BY ADV. SRI.R.AZAD BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.31517 of 2006

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Dated: 21st December, 2006

JUDGMENT

It is brought to my notice that Ext.P8 order impugned in this case is appealable to the Tribunal for Local Self Government Institutions. Mr.S.Sanalkumar, counsel for the petitioner would submit that the legal questions raised in the Writ Petition are to be decided by this court only and therefore this court will not be justified in relegating the petitioner to the Tribunal. I do not agree. The petitioner is directed to prefer an appeal against Ext.P8 before the Tribunal. If the Tribunal receives an appeal within two weeks from today, the Tribunal will entertain the appeal as one filed on time and dispose of the same in accordance with law. The Writ Petition will stand disposed of as above. However, the interim order presently passed will continue for a period of three more weeks from today.

srd **PIUS C.KURIAKOSE, JUDGE**